

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 66)

To:  <b>Eisenführ, Speiser &amp; Partner</b> <b>Arnulfstr. 25</b> <b>DE-80335 MÜNCHEN</b> <b>Germany</b>		<div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 150px;"> <b>EISENFÜHR, SPEISER &amp; PARTNER</b>  <b>EINGEGANGEN/RECEIVED</b>   <b>23. Feb. 2004</b>   <b>MÜNCHEN</b>  <b>FRIST 20.04.04 ✓</b> </div>	
Applicant's or agent's file reference <b>NM5234 - 01 W0</b>		Date of mailing (day/month/year) <b>20 -02- 2004</b>	
International application No. <b>PCT/IB 2002/003569</b>	International filing date (day/month/year) <b>30.08.2002</b>	Priority date (day/month/year) - - -	
International Patent Classification (IPC) or both national classification and IPC <b>H04B 7/005</b>			
Applicant <b>Nokia Corporation et al</b>			

1.	<input type="checkbox"/>	The written opinion established by the International Searching Authority: <input type="checkbox"/> is <input type="checkbox"/> is not considered to be a written opinion of the International Preliminary Examining Authority.
2.	This	(first, etc.) opinion contains indications relating to the following items:
	<input checked="" type="checkbox"/> Box No. I      Basis of the opinion <input type="checkbox"/> Box No. II      Priority <input type="checkbox"/> Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV      Lack of unity of invention <input checked="" type="checkbox"/> Box No. V      Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI      Certain documents cited <input type="checkbox"/> Box No. VII      Certain defects in the international application <input type="checkbox"/> Box No. VIII      Certain observations on the international application	
3.	The applicant is hereby invited to reply to this opinion.  <b>When?</b> See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).  <b>How?</b> By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.  <b>Also</b> For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.  If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.	
4.	The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: <b>30.12.2004</b>	

Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. 46 8 667 72 88	Authorized officer  <b>Åsa Rydenius/mj</b> Telephone No. 46 8 782 25 00
--	--

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/IB 2002/003569

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This opinion is based on a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed.")*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the claims:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ as amended (together with any statement) under Article 19
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ the drawings:
- pages \_\_\_\_\_ as originally filed/furnished
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/IB 2002/003569

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

Claims 1-6, 18-20

Inventive step (IS)

Claims

Claims 1-6, 9-10, 18-20

Industrial applicability (IA)

Claims

Claims

2. Citations and explanations:

Reference is made to the following document:

D1: US2002/042283 A1

D1 shows a method of retransmitting information units at a selected energy level to minimize the total transmission energy. The information units are transmitted at a first energy level and monitored for correctness on reception. If the monitoring indicates an incorrect reception, the retransmitted information unit is transmitted at a second energy level to minimize the total transmitted energy. The received energy of the retransmitted units supplements the energy of the transmitted units at the receiver.

Reasoned statement

It is previously known from D1 to retransmit data, which contained errors at reception, using a transmit power level, which may be lower than the previously used power level, and which depends on the quality of the received faulty data. It is also known from D1 to combine the information from the faulty data with the information from the retransmitted data, and that the retransmitted data may contain more redundancy than the previously transmitted data. Therefore, what is claimed in claims 1-6 and 18-20 of the application lacks novelty.

Claims 9 and 10 of the application describe when the power target value is to be adjusted - at the beginning of a retransmission of a faulty data block, and before the transmission of the "next" block. These features do not present any unexpected effects or properties, and are therefore considered to be mere choices from obvious possibilities, which are known to the person skilled in the

.../...

WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/IB 2002/003569

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

art. What is claimed in claims 9 and 10 is considered to lack  
an inventive step.